

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2005-0059-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES")Permit No. 0010626001 and RN101613644 **CASE NO.:** 23543**RESPONDENT NAME:** City of Orange

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Jackson Street Wastewater Treatment Plant, 402 S. 10th Street, Orange, Orange County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 28, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768</p> <p>TCEQ Enforcement Coordinator: Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, MC R-12, (713) 767-3672; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p>TCEQ Field Investigator: Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838</p> <p>Respondent: The Honorable William Claybar, Mayor, City of Orange, P.O. Box 250, Orange, Texas 77631</p> <p>Mr. Shawn Ouber, City Manager, City of Orange, P.O. Box 250, Orange, Texas 77631</p> <p>Mr. Sam Kittrell, Assistant City Manager, City of Orange, P.O. Box 250, Orange, Texas 77631</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 19, 2004</p> <p>Date of NOE Relating to this Case: December 18, 2004 (NOE)</p> <p>Background Facts: This was a routine investigation. Eight violations were documented.</p> <p>WATER</p> <p>1) Failed to adequately operate and maintain the ultraviolet ("UV") disinfection system. Specifically, the UV system was not being adequately cleaned and repaired, and the monitoring system was indicating that 27 of the 144 UV modules were not functioning and that there was no detectable UV light intensity reading for Bank 1a [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1].</p> <p>2) Failed to maintain the minimum number of replacement parts for the UV disinfection system [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(c)(2)(H) and TPDES Permit No. 0010626001, Operational Requirement No. 1].</p> <p>3) Failed to maintain compliance with the fecal coliform bacteria ("FC") single grab, the FC seven (7) day average, and the total suspended solids daily maximum limits [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 0010626001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$36,300</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$36,300</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a. Repaired the high level alarm at the Allie Payne lift station on November 1, 2004;</p> <p>b. Removed the oil and grease accumulations from the 16th Street lift station on November 2, 2004;</p> <p>c. Restored to service the second pump in the Bankroft and Sikes lift station on December 22, 2004; and</p> <p>d. Restored the spare parts inventory for the UV disinfection system to meet the minimum inventory requirement on December 9, 2004.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, prepare and submit the plans and specifications of the Trojan 3000 UV disinfection system that is currently in use, which does not utilize a monitoring system with remote operation indicators for each individual UV lamp. If the approval of an exception to the rule is not granted, within 30 days of such notice, submit a plan and schedule to install remote operation indicators on each of the individual UV lamps with failure alarms provided for a pre-determined number of lamp failures. The installation of the remote operational indicators and alarms, if required, shall be completed within 180 days after the effective date of this Agreed Order.</p> <p>b. Within 60 days after the effective date of this Agreed Order, conduct an engineering assessment of the treatment capabilities of the existing disinfection system. The assessment shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:</p>

<p>4) Failed to comply with the FC single grab limit of 800 colonies per 100 milliliters ("col/100 ml") with values of 19,090 col/100 ml in the west basin and 13,640 col/100 ml in the east basin as measured by the regional investigator [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 0010626001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(c)].</p> <p>5) Failed to provide remote operation indicators for all lamps in the UV system [30 TEX. ADMIN. CODE § 317.6(c)(2)(E)].</p> <p>6) Failed to maintain a functional high level alarm system at the Allie Payne lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1].</p> <p>7) Failed to remove the heavy accumulations of oil and grease from the 16th Street lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1].</p> <p>8) Failed to maintain the No. 2 pump in service at the Bankroft and Sikes lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1].</p>		<p>i. Hydraulic and organic design capacity for current and projected loading of the UV system;</p> <p>ii. The ability of the unit to achieve disinfection of the effluent to the levels identified in the permit;</p> <p>iii. Assessment of the operational integrity of the entire system including, but not limited to, the monitoring and recording controls as well as the disinfection units;</p> <p>iv. Routine cleaning and maintenance schedule for the system;</p> <p>v. Available alternative disinfection methods;</p> <p>vi. Recommendations resulting from the above assessment including, at a minimum, a plan and schedule of any rehabilitation work necessary to restore the system to full operation status and a schedule for the routine cleaning and maintenance of the system. All schedules shall be implemented and repairs completed within 180 days after the effective date of this Agreed Order.</p> <p>c. Within 210 days after the effective date of this Agreed Order, submit documentation of the following:</p> <p>i. Compliance with Ordering Provision 3.a.;</p> <p>ii. Completion of all repair work and the implementations of all schedules identified in Ordering Provision 3.b.vi.; and</p> <p>iii. Compliance with all permitted effluent limits as required by TPDES Permit No. 0010626001.</p>
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Attachment A
Docket Number: 2005-0059-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Orange
Payable Penalty Amount:	Thirty-Six Thousand Three Hundred Dollars (\$36,300)
SEP Amount:	Thirty-Six Thousand Three Hundred Dollars (\$36,300)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP:	Orange County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

TCEQ

DATES	Assigned	13-Dec-2004	Screening	23-Dec-2004	Priority Due	11-Feb-2005	EPA Due	
	PCW	19-Jan-2005						

RESPONDENT/FACILITY INFORMATION

Respondent	City of Orange
Reg. Ent. Ref. No.	RN101613644
Additional ID No(s).	Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001
Facility/Site Region	10-Beaumont
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	23543	No. of Violations	3
Docket No.	2005-0059-MWD-E	Order Type	1660 without deferral
Case Priority	3	Enf. Coordinator	Catherine Albrecht
Media Program(s)	Water Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$15,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 142% Enhancement Subtotals 2, 3, & 7 \$21,300

Notes The respondent has 1 NOV for same or similar violations, 1 NOV for other violations, and 27 months of self-reported effluent violations at this facility.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes The respondent has not yet achieved compliance.

Economic Benefit 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$12,172
Approx. Cost of Compliance	\$44,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$36,300

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$36,300

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$36,300

DEFERRAL

0% Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

A previous NOV was issued on May 28, 2003 for same or similar violations.

PAYABLE PENALTY

\$36,300

Screening Date 23-Dec-2004	Docket No. 2005-0059-MWD-E	PCW
Respondent City of Orange		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 23543		<small>PCW Revision December 10, 2004</small>
Reg. Ent. Reference No. RN101613644		
Additional ID No(s). Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001		
Media [Statute] Water Quality		
Enf. Coordinator Catherine Albrecht		
Site Address	402 S. 10th Street, Orange, Orange County	

Compliance History Worksheet**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	<small>Enter Number Here</small>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	28	140%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)		0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<small>Please Enter Yes or No</small>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 142%**>> Repeat Violator (Subtotal 3)**No **Adjustment Percentage (Subtotal 3)** 0%**>> Compliance History Person Classification (Subtotal 7)**Average Performer **Adjustment Percentage (Subtotal 7)** 0%**>> Compliance History Summary**

Compliance History Notes	The respondent has 1 NOV for same or similar violations, 1 NOV for other violations, and 27 months of self-reported effluent violations at this facility.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 142%

Screening Date	23-Dec-2004	Docket No.	2005-0059-MWD-E	PCW
Respondent	City of Orange	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	23543	<i>PCW Revision December 10, 2004</i>		
Reg. Ent. Reference No.	RN101613644			
Additional ID No(s).	Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001			
Media [Statute]	Water Quality			
Enf. Coordinator	Catherine Albrecht			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (5), 317.6(c)(2)(H), and 317.6(c)(2)(E) and TPDES Permit No. 0010626001, Operational Requirement No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to adequately operate and maintain the ultraviolet (UV) disinfection system. Specifically, the UV system was not being adequately cleaned and repaired and the monitoring system reported that 27 of the 144 UV modules were not functioning and that there was no detectable UV light intensity reading for Bank 1a. Failure to maintain the minimum number of replacement parts for the UV disinfection system. Failure to provide remote operation indicators for each of the 1152 lamps in the UV disinfection system.			
		Base Penalty	\$10,000	

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential		X		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes	Failure to provide proper installation and maintenance of the disinfection system could result in the exposure of a significant amount of contaminants which may not exceed levels that are protective to human health and the environment.				

Adjustment -\$7,500**Base Penalty Subtotal** \$2,500**Violation Events**

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of October 19, 2004 to the screening date of December 23, 2004.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$12,145**Violation Final Penalty Total** \$6,050**This violation Final Assessed Penalty (adjusted for limits)** \$6,050

Economic Benefit Worksheet

Respondent City of Orange
Case ID No. 23543
Reg. Ent. Reference No. RN101613644
Additional ID No(s). Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$7,500	19-Oct-2004	09-Dec-2004	0.1	\$3	\$70	\$73
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	19-Oct-2004	06-Jan-2006	1.2	\$4	\$81	\$85
Engineering/construction	\$25,000	19-Oct-2004	01-Apr-2006	1.4	\$121	\$2,416	\$2,536
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of providing the required minimum number of spare parts is \$7500. Date required is the investigation date. Final date is the date of compliance. Estimated costs of obtaining a variance for Design Criteria requirements for the UV system is \$1,000 and of completing the engineering evaluation of the UV system is \$10,000 and all necessary repairs is \$15,000. Date required is the investigation date. Final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$9,000	01-Dec-2003	15-Nov-2004	1.0	\$450	\$9,000	\$9,450
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs of 6 additional cleaning and maintenance operations of the UV system based on \$1,500 per operation. Date required is the first month operation was missed. Final date is based on the date of the cleaning and servicing of the system after the last month of noncompliance.

Approx. Cost of Compliance **\$42,500****TOTAL \$12,145**

Screening Date 23-Dec-2004

Docket No. 2005-0059-MWD-E

PCW

Respondent City of Orange

Policy Revision 2 (September 2002)

Case ID No. 23543

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101613644

Additional ID No(s). Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number

2

Primary Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 0010626001, Effluent Limitations and Monitoring Requirements No. 1

Secondary Rule Cite(s)

Tex. Water Code § 26.121(a)

Violation Description

Failure to maintain compliance with the fecal coliform (FC) single grab limit of 800 colonies per 100 milliliters (col/100 ml), the FC 7 day average (Avg) limit of 400 col/100 ml, and the total suspended solids (TSS) daily maximum (Dly Max) limit of 45.0 milligrams per liter (mg/L). See the attached table for self-reported values. Failure to comply with the FC single grab limit with measured values of 19,090 col/100 ml in the west basin and 13,640 col/100 ml in the east basin as measured during the investigation on October 19, 2004.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to maintain compliance with permit effluent limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended for November 2003 through October 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$24,200

This violation Final Assessed Penalty (adjusted for limits) \$24,200

Economic Benefit Worksheet

Respondent City of Orange
Case ID No. 23543
Reg. Ent. Reference No. RN101613644
Additional ID No(s). Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Economic benefit for this violation is included in the economic benefit calculation for violation 1.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs Economic benefit for this violation is included in the economic benefit calculation for violation 1.

Approx. Cost of Compliance

TOTAL

Screening Date	23-Dec-2004	Docket No.	2005-0059-MWD-E	PCW
Respondent	City of Orange	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	23543	<i>PCW Revision December 10, 2004</i>		
Reg. Ent. Reference No.	RN101613644			
Additional ID No(s).	Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001			
Media [Statute]	Water Quality			
Enf. Coordinator	Catherine Albrecht			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1			
Secondary Rule Cite(s)				
Violation Description	Failure to maintain a functional high level alarm system at the Allie Payne lift station. Failure to prevent the heavy accumulations of oil and grease in the 16th Street lift station. Failure to maintain the No. 2 pump in service at the Bankroft and Sikes lift station.			

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential		X		

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failure to maintain the collection system lift stations could result in a significant amount of contaminants which may not exceed levels that are protective to human health and the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of October 19, 2004 to the screening date of December 23, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$6,050

This violation Final Assessed Penalty (adjusted for limits) \$6,050

Economic Benefit Worksheet

Respondent City of Orange
Case ID No. 23543
Reg. Ent. Reference No. RN101613644
Additional ID No(s). Texas Pollutant Discharge Elimination System (TPDES) Permit No. 0010626001
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,250	19-Oct-2004	22-Dec-2004	0.2	\$1	\$26	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of cleaning the 16th St. lift station (LS) is \$500 and repairing the alarm light at Allie Payne LS is \$500 and the pump at the Sykes LS is \$1250. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,250****TOTAL \$28**

[illegible]

Respondent **City of Orange**
 ID Number(s) **TPDES Permit No. 0010626001; RN101613644**
 Docket Number **2005-0059-MWD-E**
 Enf. Coordinator **Catherine Albrecht**

2

Corresponds to Violation Number:

EFFLUENT PARAMETER

Permit Limit

	FC Single Grab Limit of 800	% Over Permit Limit	FC 7 Day Avg Limit of 400	% Over Permit Limit	TSS Dly Max Limit of 45	% Over Permit Limit								
<i>Month/Year</i>	col/100 ml		col/100 ml		mg/L									
November 24, 2003	2080	160												
December 8, 2003	2040	155												
December 10, 2003	2000	150												
December 13, 2003	2020	153												
December 29, 2003	2080	160												
December 30, 2003	1280	60												
January 2004			c	c	59	29								
January 8, 2004	2120	165												
January 17, 2004	2000	150												
January 18, 2004	2080	160												
January 19, 2004	2040	155												
January 21, 2004	1240	55												
January 25, 2004	2080	160												
January 26, 2004	1300	63												
January 27, 2004	2000	150												
January 28, 2004	2040	155												
January 30, 2004	2040	155												
January 31, 2004	2200	175												
February 2004			498.1	120	99	120								
February 1, 2004	2120	165												
February 2, 2004	2000	150												
February 3, 2004	2020	153												
February 4, 2004	2060	158												
February 10, 2004	2080	160												
February 11, 2004	2060	158												

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

[illegible]

Compliance History

Customer/Respondent/Owner-Operator: CN600643530 City of Orange Classification: AVERAGE Rating: 3.090
 Regulated Entity: RN101613644 JACKSON STREET PLANT Classification: AVERAGE Site Rating: 3.36
 ID Number(s):

WASTEWATER	PERMIT	TPDES0073423
WASTEWATER	PERMIT	WQ0010626001
WASTEWATER LICENSING	LICENSE	WQ0010626001
STORMWATER	PERMIT	TXR05R263

Location: 402 S 10TH ST, ORANGE, TX, 77630 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 24, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2000 to January 05, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Catherine Albrecht Phone: (713)767-3672

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1. 02/23/2000 (199639)
2. 08/04/2003 (247296)
3. 05/27/2003 (31010)
4. 02/23/2001 (199640)
5. 02/25/2002 (199641)
6. 02/18/2003 (199642)
7. 07/16/2001 (199643)
8. 03/15/2004 (265224)
9. 03/22/2002 (199644)
10. 03/21/2003 (199645)
11. 03/21/2000 (199646)
12. 04/20/2000 (199647)
13. 07/16/2001 (199648)
14. 04/22/2002 (199649)
15. 04/22/2003 (199650)
16. 05/16/2000 (199651)
17. 04/09/2001 (131262)
18. 07/16/2001 (199652)
19. 05/22/2002 (199653)

20.	05/19/2003	(199654)
21.	06/20/2001	(199655)
22.	09/20/2000	(199656)
23.	07/16/2001	(199657)
24.	06/24/2002	(199658)
25.	06/24/2003	(199659)
26.	07/25/2000	(199660)
27.	09/04/2003	(247739)
28.	07/23/2001	(199661)
29.	07/22/2002	(199662)
30.	07/22/2003	(199663)
31.	08/21/2000	(199664)
32.	08/22/2001	(199665)
33.	08/23/2002	(199666)
34.	09/21/2000	(199667)
35.	09/24/2001	(199668)
36.	09/18/2002	(199669)
37.	02/23/2004	(312963)
38.	10/18/2000	(199670)
39.	03/19/2004	(312965)
40.	10/19/2001	(199671)
41.	04/22/2004	(312966)
42.	10/15/2002	(199672)
43.	05/14/2004	(312968)
44.	11/20/2000	(199674)
45.	11/19/2001	(199675)
46.	06/21/2004	(312970)
47.	11/22/2002	(199676)
48.	07/22/2004	(312972)
49.	12/20/2000	(199678)
50.	08/18/2003	(312974)
51.	12/20/2001	(199679)
52.	09/23/2003	(312976)
53.	12/30/2002	(199680)
54.	10/17/2003	(312978)
55.	11/24/2003	(312979)
56.	01/25/2001	(199682)
57.	12/29/2003	(312980)
58.	01/23/2002	(199683)
59.	01/21/2004	(312981)
60.	01/21/2003	(199684)
61.	01/21/2000	(199685)
62.	12/09/2004	(339042)
63.	10/20/2004	
64.	11/20/2004	

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/04/2003 (247296)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
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Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
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Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:		NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	01/31/2000	(199639)		
Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
TWC Chapter		26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	01/31/2001	(199640)		
Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
TWC Chapter		26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	01/31/2002	(199641)		
Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
TWC Chapter		26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		

[illegible]

Date: 09/30/2004
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199675)

Date: 10/31/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (312970)

Date: 05/31/2004
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199676)

Date: 10/31/2002
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199679)

Date: 10/31/2004
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199680)

Date: 11/30/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199683)

Date: 11/30/2002
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (199684)

Date: 12/31/2001
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (31010)

Date: 12/31/2002
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 (31010)

Date: 05/28/2003
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP IA
 Description: Failure by the regulated entity to measure the flow according permit requirements.

Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without

authorization from the commission.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(6)[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly

operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to notify the TCEQ of an unauthorized discharge within the required notification period

of orally within 24 hours and written within 5 days. Failure by the permittee to notify the TCEQ of an

unauthorized discharge within the required notification period of orally within 24 hours and written wi

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(e)[G]
 Rqmt Prov: OP IA
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: OP IA
 Description: Failure by the permittee to comply with procedures specified in chapters 319.11 - 319.12.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(g)[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.5(e)(2)[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.6(c)(2)[G]
 Description: Failure to provide a remote operation indicator for each individual ultraviolet (UV) lamp.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to properly regulate contributing industries and enforce pretreatment requirements.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to comply with test procedures specified in 30 TAC 319.11-319.12.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to comply with test procedures specified in 30 TAC 319.11-319.12.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.2[G]
 30 TAC Chapter 317 317.3[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3[G]
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure to properly operate and maintain all systems of collection, treatment, and disposal.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure by the permittee to protect against a potential connection from the public drinking water supply to the wastewater treatment plant through an air gap or a backflow prevention device.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP IA
 Description: Failure to report 40% noncompliances to the TNRCC within the required notification period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to discharge effluent in compliance with permitted limitations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
 Rqmt Prov: OP IA
 Description: Failure by the permittee to submit an engineering and financial planning report to the Commission after exceeding 75% of the permitted flow for three consecutive months.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)(1)
 30 TAC Chapter 312, SubChapter G 312.145(a)(6)
 Description: Failure by the permittee to ensure that all trip tickets include: the registration # of the transporter and the identification # of the facility where the waste was deposited.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP IA
 Description: Failure to discharge effluent in compliance with permitted effluent limitations.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ORANGE
TEXAS POLLUTANT DISCHARGE
ELIMINATION SYSTEM ("TPDES")
PERMIT NO. 0010626001
RN101613644**

**§ BEFORE THE
§
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0059-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Orange ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates the Jackson Street Wastewater Treatment Plant at 402 S. 10th Street in Orange, Orange County, Texas (the "Facility").
2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Six Thousand Three Hundred Dollars (\$36,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Thirty-Six Thousand Three Hundred Dollars (\$36,300) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. Repaired the high level alarm at the Allie Payne lift station on November 1, 2004;
 - b. Removed the oil and grease accumulations from the 16th Street lift station on November 2, 2004;
 - c. Restored to service the second pump in the Bankroft and Sikes lift station on December 22, 2004; and
 - d. Restored the spare parts inventory for the ultraviolet ("UV") disinfection system to meet the minimum inventory requirement on December 9, 2004.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to adequately operate and maintain the UV disinfection system, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1, as documented during an investigation conducted on October 19, 2004. Specifically, the UV system was not being adequately cleaned and repaired, and the monitoring system was indicating that

- 27 of the 144 UV modules were not functioning and that there was no detectable UV light intensity reading for Bank 1a;
2. Failed to maintain the minimum number of replacement parts for the UV disinfection system, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 317.6(c)(2)(H) and TPDES Permit No. 0010626001, Operational Requirement No. 1, as documented during an investigation conducted on October 19, 2004;
 3. Failed to maintain compliance with the fecal coliform bacteria ("FC") single grab, the FC seven (7) day average, and the total suspended solids ("TSS") daily maximum limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 0010626001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on October 19, 2004;

	FC Single Grab Limit of 800.0		FC 7-Day Avg of 400.0	TSS Dly Max Limit of 45.0
Month/Year	Reported range over limit in col/100 ml	Number of Exceedences	col/100 ml	mg/L
November 2003	2080.0	1	c	c
December 2003	1280.0 - 2080.0	5	c	c
January 2004	1240.0 - 2200.0	11	c	58.0
February 2004	2000.0 - 2400.0	13	498.1	99.0
March 2004	2100.0	1		
April 2004	c	0	c	c
May 2004	1200.0 - 2000.0	3	482.0	c
June 2004	1600.0	2	c	c
July 2004	1440.0 - 2250.0	5	c	c
August 2004	c	0	c	c
September 2004	1120.0 - 1760.0	6	918.0	c
October 2004	1200.0 - 2200.0	17	1910	c

Abbreviations:

Colonies per 100 milliliters ("col/100 ml"), Average ("Avg"), Daily Maximum ("Dly Max"), and milligrams per liter ("mg/L")

4. Failed to comply with the FC single grab limit of 800 col/100 ml with values of 19,090 col/100 ml in the west basin and 13,640 col/100 ml in the east basin as measured by the regional investigator, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 0010626001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(c), as documented during an investigation conducted on October 19, 2004;
5. Failed to provide remote operation indicators for all lamps in the UV system, in violation of 30 TEX. ADMIN. CODE § 317.6(c)(2)(E), as documented during an investigation conducted on October 19, 2004;
6. Failed to maintain a functional high level alarm system at the Allie Payne lift station, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1, as documented during an investigation conducted on October 19, 2004;
7. Failed to remove the heavy accumulations of oil and grease from the 16th Street lift station, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1, as documented during an investigation conducted on October 19, 2004; and
8. Failed to maintain the No. 2 pump in service at the Bankroft and Sikes lift station, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. 0010626001, Operational Requirement No. 1, as documented during an investigation conducted on October 19, 2004.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Orange, Docket No. 2005-0059-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, above Thirty-Six Thousand Three Hundred Dollars (\$36,300) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, prepare and submit the plans and specifications of the Trojan 3000 UV disinfection system that is currently in use, which does not utilize a monitoring system with remote operation indicators for each individual UV lamp, as required by 30 TEX. ADMIN. CODE § 317.6(c)(2)(E), for review and approval to:

Mr. Louis Herrin, III, P.E.
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If the approval of an exception to the rule is not granted, within 30 days of such notice, submit a plan and schedule to install remote operation indicators on each of the individual UV lamps with failure alarms provided for a pre-determined number of lamp failures. The installation of the remote operational indicators and alarms, if required, shall be completed within 180 days after the effective date of this Agreed Order.

- b. Within 60 days after the effective date of this Agreed Order, conduct an engineering assessment of the treatment capabilities of the existing disinfection system. The assessment shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:
 - i. Hydraulic and organic design capacity for current and projected loading of the UV system;
 - ii. The ability of the unit to achieve disinfection of the effluent to the levels identified in the permit;
 - iii. Assessment of the operational integrity of the entire system including, but not limited to, the monitoring and recording controls as well as the disinfection units;
 - iv. Routine cleaning and maintenance schedule for the system;
 - v. Available alternative disinfection methods;

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- vi. Recommendations resulting from the above assessment including, at a minimum, a plan and schedule of any rehabilitation work necessary to restore the system to full operation status and a schedule for the routine cleaning and maintenance of the system. All schedules shall be implemented and repairs completed within 180 days after the effective date of this Agreed Order.
- c. Within 210 days after the effective date of this Agreed Order, submit documentation of the following:
 - i. Compliance with Ordering Provision 3.a.;
 - ii. Completion of all repair work and the implementations of all schedules identified in Ordering Provision 3.b.vi.; and
 - ii. Compliance with all permitted effluent limits as required by TPDES Permit No. 0010626001.
- d. Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 79705-5404

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

Sam Kittrell
Signature

03/13/07
Date

Sam Kittrell
Name (Printed or typed)
Authorized Representative of
City of Orange

Assistant City Manager
Title

John Srdin
For the Executive Director

7/17/2007
Date

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Attachment A
Docket Number: 2005-0059-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Orange
Payable Penalty Amount:	Thirty-Six Thousand Three Hundred Dollars (\$36,300)
SEP Amount:	Thirty-Six Thousand Three Hundred Dollars (\$36,300)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP:	Orange County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

